

JAN 11 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Allan M. Miller et al. Art Unit : 1643  
 Serial No. : 09/407,605 Examiner : H. Schnizer  
 Filed : September 28, 1999  
 Title : OPTIMIZED MESSENGER RNA

Commissioner for Patents  
 Washington, D.C. 20231

RECEIVED

JAN 11 2001

TECH CENTER 1600/2906

RESPONSE TO RESTRICTION REQUIREMENT

Responsive to the action mailed December 14, 2000, applicants elect the invention of Group I, claims 1-48 and 58-63, drawn to synthetic nucleic acids, host cells, and methods of making the nucleic acids. The election is made without traverse.

Please amend the application as follows.

In the claims:

✓ Cancel claims 1-63 without prejudice or disclaimer.

Add new claims 64 to 135 as follows.

--64. A synthetic nucleic acid sequence which encodes a protein wherein at least one non-common codon or less-common codon has been replaced by a common codon, and the synthetic nucleic acid sequence comprises a continuous stretch of at least 90 codons all of which are common codons.

65. The nucleic acid sequence of claim 64, wherein the continuous stretch occurs in a nucleic acid sequence which is selected from a group of sequences consisting of a sequence of a pre-pro-protein; a sequence of a pro-protein; a sequence of a mature protein; a "pre" sequence of

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit

January 5, 2001